

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44818 of 2024**

Arising Out of PS. Case No.-177 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Krishna Mahto, aged about 48 years, Male, Son of Late Bhawan Mahto @ Dhawn Mahto, Resident of Village - Salempur, P.S. - Sidhwalia, District – Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : M/S. Ranjeet Kumar Pandey and Rajesh Kumar,  
Advocates

For the Opposite Party : Mr. Syed Ehteshamuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

3      29-08-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sidhwalia P.S. Case No. 177 of 2021 dated 05.06.2021 registered for the offences punishable under Sections 341, 323, 324, 307, 364, 506 and 504/34 of the I.P.C. Later on, Sections 302 and 201 of the I.P.C. were also added.

3. As per the prosecution case, on 04.06.2021, a scuffle took place between the informant and Asha Devi for she-goat, in the meantime, the co-accused persons Birendra Mahto, Mantosh Mahto, Sonu Kumar and Asha Devi are alleged to have



assaulted brutally the informant's son after tying his hands and legs. When the informant went to rescue him, the co-accused Mantosh Mahto assaulted her with knife which caused cut injury on her hand. Thereafter at about 10.30 P.M., Krishna Mahto (petitioner) and two unknown persons came and all the accused persons started assaulting the informant's son. It is further alleged that the informant went in the morning to see and search her son in surrounding area but he could not be traced out. The informant suspected that the aforesaid accused persons committed murder of her son and disappeared his dead body in the river and drainage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 04.06.2021 at 3.00 P.M. but the F.I.R. has been lodged on 05.06.2021 at about 3.30 P.M. after a lapse of more than 24 hours which clearly creates doubt about the prosecution case. There is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. The petitioner was not present at the place of occurrence. It is further submitted that the postmortem report does not support the prosecution case as the cause of death is due to *Asphyxia* in case



of drowning. The petitioner being the co-villager visited the hospital to see the injured children of the co-accused and as such he has been made accused in the present case. The other co-accused person Mantosh Mahto has already been granted bail by a Bench of this Court vide Cr. Misc. No. 49209 of 2023 dated 17.08.2023, annexed as Annexure-P/3 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Gopalganj in connection with Sidhwalia P.S. Case No. 177 of 2021 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are  
liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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